

REMARKS

By this amendment, claim 7 and 17-20 remain canceled. Claims 1, 10, 14 and 16 have been amended. Claims 1-6 and 8-16 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is requested.

Rejection under 35 U.S.C. §102

Claim 1:

Claim 1 recites a method of transmitting interactive television, whereby at least an interactive television application is transmitted inside application-modules in a broadcast stream that includes television content, wherein said method facilitates recording of said broadcast stream at a receiver, said method comprising the step of:

including storage related information for each of said modules in said broadcast stream; and

transmitting said broadcast stream including said modules and said storage related information, characterized in that said storage related information comprises:

categories indicating whether each said modules is alternatively (i) mandatory for recording, (ii) optional for recording or (iii) forbidden to be recorded at the receiver, wherein mandatory modules contain files that are critical for running a corresponding application from storage, and wherein optional modules contain files that offer a corresponding application extra features or contain configuration information that always must be downloaded from a live broadcast.

Support for amendment to claim 1 (as well as for amendment to claims 10, 14 and 16) can be found in the specification at least on page 2, lines 23-29; page 3, line 6-7; and page 4, lines 25-26.

Claims 1, 4-6 and 9-16 were rejected under 35 U.S.C. §102(a) as being anticipated by OPENTV, WO 01/33852 ("**OPENTV**"). Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that
"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 1, as now presented, to sustain this rejection the **OPENTV** reference must contain all of the claimed elements of the claim. However, contrary to the examiner's position that all elements are disclosed in the **OPENTV** reference, the latter reference does not disclose a method of transmitting interactive television in which "*storage related information comprises categories indicating whether each said modules is alternatively (i) mandatory for recording, (ii) optional for recording or (iii) forbidden to be recorded at the receiver, wherein mandatory modules contain files that are critical for running a corresponding application from storage, and wherein optional modules contain files that offer a corresponding application extra features or contain configuration information that always must be downloaded from a live broadcast*" [*emphasis added*] as is claimed in claim 1. Therefore, the rejection is not supported by the **OPENTV** reference and should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Claims 4-6 and 9 depend from and further limit independent claim 1 and therefore are allowable as well. The 35 U.S.C. §102(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Claims 10, 14 and 16 have each been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claims 10, 14 and 16 are believed allowable and an

early formal notice thereof is requested. Claims 11-13 depend from and further limit independent claim 10 and therefore are allowable as well. Claim 15 depends from and further limits independent claim 14 and therefore is allowable as well. The 35 U.S.C. § 102(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §103

Claim 2, 3 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over **OPENTV** in view of Metz et al., U.S. Patent 5,768,539 ("**Metz**"). Applicant respectfully traverses this rejection for at least the following reason. Claims 2, 3 and 8 depend from and further limit allowable independent claim 1 and therefore are allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1, 10, 14 and 16 are in condition for allowance. Claims 2-6 and 8-9 depend from and further limit claim 1 and therefore are allowable as well. Claims 11-13 depend from and further limit claim 10 and therefore are allowable as well. Claim 15 depends from and further limits claim 14 and is therefore allowable as well.

Appl. No. 10/541,051
Response to Office Action of October 5, 2009

PATENT
Docket No. NL021482US1
Customer No. 24737

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-6 and 8-16 is requested.

Respectfully submitted,

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Dated: December 31, 2009
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a-32658.318